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Attorneys for Debtor in Possession

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

In re | CASE NO. 10-19222

AREIAS BROTHERS DAIRY, INC.,

Debtor in Possession.

Tax ID #: 77-0384747
Address: 3621 East Mt. Whitney
Laton, CA 93242

CASE NO. 10-19222

Chapter 11

DC No.: WW-1

Date: August 17, 2010
Time: 2:00 o'clock
Place: 2500 Tulare Street
Fresno, CA 93721
Courtroom 11
Judge: Honorable Whitney Rimel

MOTION FOR AUTHORITY TO USE CASH COLLATERAL

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Areias Brothers Dairy, Inc. (hereinafter "Debtor"), comes before this Court seeking an Order granting a Motion for Order Approving Use of Cash Collateral as follows:

1. The grounds for the Motion are that the cash collateral sought to be used constitutes the sole source of funds to operate the business. Unless the Court permits immediate use of the cash collateral the Debtor will be unable to pay employees and suppliers and otherwise will be unable to continue the business and preserve the value of the estate's assets. The Debtor immediately needs the use of cash collateral to

1 maintain operations. Any inability to maintain ongoing services will severely affect the
2 value of the estate, which will create immediate and reparable problems for the Debtor
3 and creditors.

4 2. The cash collateral sought to be used is the claimed cash collateral of the
5 claimants described on Exhibit "A". It is believed that Farm Credit West and Western
6 Milling, LLC have security interest in the cash collateral to be used.
7

8 3. Pursuant to B.R. 4001(d)(1), the Motion has been served by fax or email
9 and United States Mail on all lease or executory contract creditors; all secured creditors;
10 all taxing agencies; the twenty largest unsecured creditors, or the Creditors' Committee,
11 as well as the Committee's counsel, if any; the Debtor and its counsel; and the U.S.
12 Trustee's Office; together with any and all persons who have requested, or
13 subsequently request, special notice by filing the appropriate documents with the
14 Bankruptcy Court, and serve a copy upon counsel for the Debtor.
15

16 4. The Motion is based on the Notice of Motion, the Motion and
17 Memorandum of Points and Authorities in support of the Motion; the Declaration; and all
18 exhibits attached thereto; the complete records and files of the Court in this case; the
19 representations and arguments of counsel to be made at the hearing on the Motion; and
20 such other and further evidence and matters as may be presented to the Court in
21 connection with the Motion.
22

23 WHEREFORE, the Debtor requests that the Court enter an Order
24 (i) approving the use of cash collateral at the hearing; (ii) authorizing the use of cash
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26 ///
27
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1 collateral on terms prescribed by the Court; (iii) setting a hearing on further uses of cash
2 collateral; and (iv) granting such other and further relief as the Court deems just and
3 proper under the circumstances.

4 Dated: August 13, 2010

5 WALTER & WILHELM LAW GROUP,
6 a Professional Corporation

7 By:

8 
Riley C. Walter, Attorneys for Debtor in
9 Possession